

Appl. No. 10/717,056
Atty. Docket No.: 2002B169/2
Amdt. and RCE dated February 21, 2007
Response to OA of November 15, 2006

REMARKS/ARGUMENTS

Claims 1-2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, and 45-49 are pending.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, and 45-48 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2004/0132935 to Arjunan et al. (Arjunan-935.) According to MPEP § 716.10 "Attribution", under certain circumstances an affidavit or declaration may be submitted which attempts to attribute an activity, a reference or part of a reference to the Applicant. If successful, the activity or the reference is no longer applicable. When subject matter, disclosed but not claimed in a later application filed by the inventor and another, is claimed in a later application filed by the inventor, the joint patent or publication is a valid reference under U.S.C. § 102(a), (e), or (f) unless overcome by an unequivocal declaration by the inventor under 37 CFR § 1.132 that he conceived or invented the subject matter disclosed in the patent or published application.

Applicant submits herewith an unequivocal declaration under 37 CFR § 1.132 that he conceived or invented the subject matter disclosed in Arjunan-935. Accordingly, the reference is respectfully requested to be removed as prior art in the instant application.

Double Patenting Rejections

Claims 1-2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, and 45-48 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-41 of co-pending Application No. 10/667,586 to Arjunan *et al.* (Arjunan-586.) Applicant submits the appropriate Terminal Disclaimer to obviate double patenting rejection with regard to Arjunan-586.

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CONCLUSION

Applicant respectfully solicits a notice of allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B169/2).

Respectfully submitted,

Date: February 21, 2007



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